

### **REMARKS**

Claims 1-20 are pending in this application. Claims 1, 2, 6-17 and 19 stand rejected, and claims 3, 5, 18 and 20 have been objected to. By this amendment, Applicant has canceled claims 1, 6, 14, and 15 without prejudice, and reserves the right to pursue the subject matter of these claims in one or more continuing applications. Claims 2-5, 9, 13, and 16-20 have been amended. New claims 21 and 22 have been added.

In the Office action mailed May 26, 2006, the Examiner rejected claims 7 and 9 under 35 U.S.C. 112, second paragraph, for lack of antecedent basis for the "the enclosure", and claim 13 for lack of antecedent basis for "the foam blocks." Claims 1 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,064,245 to Stephens. Claims 2 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,630,651 to Fishbane. Claim 6 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US2003/0226207 to Lowenthal. Claims 7-9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,047,425 to Khazaal. Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Khazaal in view of Fishbane. Claims 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens in view of Fishbane and Khazaal. Claims 3, 5, 18 and 20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter in claims 3, 5, 18 and 20. Applicant respectfully disagrees with the rejections.

Applicant has amended claim 2 to recite that the energy absorbing component is sandwiched between the air bladder and the comfort component. Fishbane does not disclose a side-protective head restraint pad with an energy absorbing component sandwiched between an air bladder and a comfort component. Rather, Fishbane discloses an air bladder 48 and support cushion 56 being covered by a fabric covering 58, which covers the entire pillow 2. (Col. 4, lines 42-52) There is no disclosure of suggestion in Fishbane of sandwiching an energy absorbing component between an air bladder and comfort component. As such claim 2, and claim 4, which depends on claim 2, are allowable over Fishbane.

Furthermore, claim 4 is allowable, because Fishbane does not disclose an energy absorbing component formed of a semi-rigid compressible foam. Nor does Fishbane disclose a comfort component formed of a soft, compressible foam. Rather, Fishbane merely discloses a support cushion 56, and a fabric covering 58.

Claim 7 is allowable over Khazaal, because Khazaal does not disclose a side-protective head restraint assembly that has a generally U-shaped configuration when in

a seat, with a pair of head restraining pads adjacent opposing sides of the head of the seat occupant. The orthopedic pillow of Khazaal does not have a U-shape when positioned in a seat, nor does it disclose a pair of head restraining pads adjacent opposing sides of the head of the seat occupant when in use. In addition, claim 9 has been amended to correct the lack of antecedent basis for "the enclosure", and claim 13 has been amended to correct the lack of antecedent basis for "the foam blocks." Accordingly, claim 7, and claims 8-13, which depend on claim 7 are allowable over Khazaal.

Furthermore, with regard to claim 8, Khazaal does not disclose an energy absorbing component sandwiched between the air bladder and comfort component. Rather, Khazaal discloses an outer pad 26 that completely encloses both the bladder 11 and a resiliently deformable sponge material sheet 30. The sponge sheet 30 is completely embedded within and surrounded by the outer pad 26, and is not sandwiched between the pad 26 and bladder 11. (Col. 4, lines 37-50, Figure 4)

Claims 3, 5 and 20 have been amended into independent form to include all of the limitations of the base claim and any intervening claims. As such, claims 3, 5 and 20, and claims 16-19, which have been amended to depend on claim 20, are in a condition for allowance.

New claim 21 is allowable, because none of the prior art discloses or suggests a side-protective head restraint pad that includes an energy-absorbing component

comprising at least one semi-rigid compressible foam block, a comfort component comprised of an open cell foam and a flexible enclosure within which an air bladder, energy absorbing component and comfort component are positioned in an overlaid configuration. As such, new claim 21, and new claim 22, which depends on claim 21, are allowable. Furthermore, claim 22 is allowable, because the prior art does not disclose or suggest the energy absorbing component comprising polystyrene foam.

If there are any fees due in connection with this matter, please charge  
Applicant's Deposit Account No. 01-0265.

Respectfully submitted,  
  
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